

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL NO. 08-00067-001</b>
	)	
<b>PAUL ANTONIO BURKE, JR.,</b>	)	
	)	
<b>Defendant</b>	)	

**ORDER**

This matter is before the court on the defendant's motion to modify sentence pursuant to 18 U.S.C. § 3582(c) (Doc. 154). This is the defendant's fourth motion for reduction of sentence due to the reduced crack cocaine sentencing guidelines. (See Docs. 115, 132, and 144). Each of these motions has been denied (Docs. 118, 133, and 145). Nothing has changed since the first time the court denied the reduction based on the Fair Sentencing Act of 2012, and yet Burke persists in filing yet another motion. The court reiterates that a calculation of his guideline range under the amended crack cocaine guidelines and based on the amount of drugs attributed to him by the plea agreement results in a Level 29, Criminal History Category III, with a range of 108 to 135 months. His sentence of 108 months is therefore not subject to reduction pursuant to § 3582(c). The motion is therefore **DENIED**.

**DONE** and **ORDERED** this 5th day of April, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE